

REMARKS/ARGUMENTS

These remarks are made in response to the final Office Action of July 23, 2007 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due. Nonetheless, the Examiner is expressly authorized to charge any deficiencies to Deposit Account No. 50-0951.

In the Office Action, Claims 1-23 and 25-30 were rejected under 35 U.S.C. § 112, second paragraph. Claims 1, 3-7, 9-12, 15-18, 20-23, 25 and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,813,608 to Baranowski (hereinafter Baranowski) in view of U.S. Patent 6,487,180 to Borgstahl, *et al.* (hereinafter Borgstahl). Claims 2, 13, 14, 19, and 26-29 were rejected under U.S.C. § 103(a) as being unpatentable over Baranowski and Borgstahl, in further view of U.S. Patent 6,490,443 to Freeny, Jr. (hereinafter Freeny). Claim 8 was rejected under U.S.C. § 103(a) as being unpatentable over Baranowski and Borgstahl, in further view of U.S. Patent 6,577,720 to Sutter (hereinafter Sutter). Claims 1-7, 12-15, 17, 18, 20-23, 25, 26, and 30 were rejected under U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,601,040 to Kolls (hereinafter Kolls) in view of Borgstahl, and in further view of U.S. Published Patent Application 2003/0061271 to Pittarelli (hereinafter Pittarelli). Claim 12 was rejected under U.S.C. § 103(a) as being unpatentable over Kolls, Borgstahl, and Pittarelli, in further view of U.S. Patent 6,601,039 to Kolls (hereinafter Kolls 2).

Although Applicants respectfully disagree with the rejections, Applicants nevertheless have amended certain claims so as to expedite prosecution of the present application by emphasizing certain aspects of the invention. Applicants respectfully note, however, that the amendments are not intended as, and should not be interpreted as, the surrender of any subject matter. Accordingly, Applicants respectfully reserve the right to present the original version of any of the amended claims in any future divisional or continuation applications from the present application.

In particular, Applicants have amended independent Claims 1, 12, 18, and 30 to further emphasize certain aspects of the invention. The claims also have been amended

so as to emphasize that, according to the invention, retrofitting a kiosk comprises fitting the kiosk with wireless communication capabilities for communicating with a wireless personal area network (PAN). Applicants respectfully submit that the amendments adequately address the issues raised under 35 U.S.C. § 112, second paragraph. As amended, the claims also avoid the issues noted at page 3 of the Office Action with respect to MPEP § 2106(II)(C).

Applicants also have amended dependent Claims 9 and 10 so as to maintain consistency among the claims. The claim amendments, as discussed herein, are fully supported throughout the Specification. No new matter has been introduced by virtue of any of the claim amendments.

Certain Aspects Of Applicants' Invention

It may be useful at this juncture to reiterate certain aspects of Applicants' invention. One embodiment of the invention, typified by Claim 1, is a method for providing kiosk service offerings.

The method can include retrofitting an existing, publicly-located, and fixedly located kiosk with wireless communication capabilities for communicating with a wireless personal area network (PAN) if the kiosk previously lacked wireless communication capabilities. However, the kiosk may have been previously configured to communicate over an existing physical communications link with an existing communications network.

The method also can include configuring the kiosk for providing electronic services, including data and applications over wireless communications links to wireless devices in the wireless PAN. According to this embodiment, a list of available electronic services can be maintained at the kiosk. A portion of the available electronic services can be stored locally within the kiosk and a different portion of the available electronic services can be retrievable by the kiosk from servers of the existing communications network via the physical communications link.

The method further can include establishing a wireless communications link with a wireless device in the PAN and, in response to a subscriber query received from the wireless device, generating a subscriber-specific list of available services. The subscriber-specific list can be generated by selecting among the list of all available services. More particularly, the selection can be based a subscriber prioritization, a predetermined value assigned to the subscriber, advertising revenues associated with each available service, and/or the communication resources of the wireless device itself. (See, e.g., Specification, p. 14, lines 3-13.)

The method also can include conveying the subscriber-specific list to the wireless device for presentment to the subscriber, and receiving at the kiosk a request for at least one of the available electronic services included in the subscriber-specific list. Additionally, the method can include retrieving the requested at least one available electronic service, and delivering the requested at least one available electronic service to the wireless device in the PAN over the wireless communications link.

The Claims Define Over The Cited References

As already noted, independent Claims 1, 12, 18, and 30 were each rejected as being unpatentable over Baranowski in view of Borgstahl. Baranowski is directed to a wireless system and portable device that wirelessly connects to the wireless system for linking a business with its customers. (See, e.g., Baranowski, Abstract, lines 1-12.) Borgstahl is directed to a personal information system that includes a personal kiosk system and a personal presence identifier, which is carried by a user and coupled to the personal kiosk system by a short-range, two-way wireless link (See, e.g., Borgstahl, Abstract, lines 1-4.)

Baranowski is cited at page 5 of the Office Action as disclosing a list of available electronic services. In a first portion of the reference cited, Baranowski provides not a list of electronic services available by wireless communication with a network-connected

kiosk, but rather a list of products and services at a particular business facility, the products being viewed while a customer is browsing through the facility:

"Advertising or merchandise offers may be wirelessly transmitted from the controller (120) through the system illustrated in FIG. 1 to the user's portable device (100). This may alert the user to products, services, sales, offers, etc. available during his or her visit to the wide-area facility. Additionally, merchandise or services can be searched, and descriptions of items or services, video samples, and availability can be viewed using the portable device." (Baranowski, Col. 8, lines 28-35.) (Emphasis supplied.)

Another portion of the reference cited, emphasizes that the information conveyed by Baranowski concerns physical objects that a customer is currently viewing while visiting the facility:

"The system of the present invention can provide customers with more information on the items they are standing in front of, in an audio, graphic or text format, and allows the customer to determine how much or how little information on a particular item is desired. This information is sent directly to the portable device (100) that the customers carry while in the wide-area facility. An interactive map can be displayed on the portable device to help customers find exactly what they are looking for, or even schedule up close appointments with particular display items as will be described in detail below." (Baranowski, Col. 12, line 64 – Col. 13, line 7.) (Emphasis supplied.)

Based on this language, Applicants respectfully submit that Baranowski is fundamentally different from Applicants' invention in several respects. Firstly, the wireless conveyance

of information *about* products that a customer at a business facility views before purchasing does not teach or suggest providing a list of electronic services that themselves are provided via a wireless link. With Baranowski, there is no product or service that is to be conveyed over a wireless link, only information about the product or service is so conveyed.

More fundamentally, however, Baranowski fails to teach or suggest, alone or in combination of other references, the same manner of generating a list of available services. Baranowski does not contemplate generating a list based on information other than that pertaining to a product offered at a particular facility being visited.

In particular, Baranowski does not teach or suggest generating a subscriber-specific list. With Baranowski, the information is about products available at a facility, but the information is based on the available product and its terms of sale. Baranowski, therefore, does not teach or suggest generating a list based upon a subscriber prioritization of electronic services, as recited in independent Claims 1, 12, 18, and 30. Likewise, Baranowski does not contemplate generating a list of available electronic services based upon a predetermined value assigned to the subscriber, as also recited in independent Claims 1, 12, 18, and 30. Baranowski is similarly silent regarding generating a list of available electronic services based upon advertising revenues associated with each available service, as recited in independent Claims 1, 12, 18, and 30.

Even more fundamentally, Baranowski differs from Applicants' invention in that Baranowski has no reason whatsoever to consider the communication resources of the wireless device being used by a customer at the business facility. With Baranowski, the device is merely a vehicle through which information is conveyed about products available at a business facility. No information about the device itself is relevant to Baranowski. Accordingly, Baranowski does not teach or suggest generating a list of available electronic services based upon consideration of the communication resources of the device itself, as further recited in independent Claims 1, 12, 18, and 30.

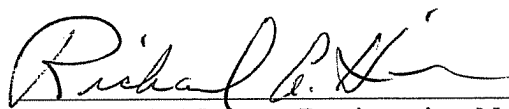
Applicants respectfully submit that none of the other cited references teach or suggest these features. Accordingly, not Baranowski, Borgstahl, or any other reference teaches or suggests every feature recited in Claims 1, 12, 18, and 30. Applicants respectfully submit, therefore, that Claims 1, 12, 18, and 30 each define over the prior art. Applicants further respectfully submit that, whereas each of the remaining claims depends from Claim 1, 12, or 18 while reciting additional features, each of the dependent claims likewise defines over the prior art.

CONCLUSION

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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